

REMARKS

The application has been amended and is believed to be in condition for allowance.

In the invention, application execution scripts developed for a concentrated switched network to allow communication between terminal equipment through an exchange are downloaded by two terminal equipments and the downloaded script is executed between the two terminal equipments without intervention of any exchange.

Claim 1 has been amended to improve claim grammar and to include features from application paragraphs [0090] and [0102].

Claims 1-19 and 21-63 were rejected as obvious over LANDSMAN et al. 6,785,659 in view of GREENBERG 2001/0038624.

Applicants respectfully disagree. As an initial matter, the rejection is not clear as to how GREENBERG is being used to modify LANDSMAN, and the rejection is not clear as to what the Official Action believes will result from the combination of GREENBERG with LANDSMAN.

LANDSMAN

LANDSMAN discloses (Abstract) a technique for network-distributed advertising in which advertisements are downloaded, from an advertising server to a browser on a client computer (a "user's computer"), in a manner transparent to a user situated at the browser. LANDSMAN teaches that advertisements are

subsequently displayed, in response to a click-stream generated by the user moving from one web page to the next.

GREENBERG

GREENBERG addresses providing IP telephone service without the need to have previously loaded and accurately configured Internet provider-specific telephony software on the customer's accessing personal computer (the user's computer). From GREENBERG's prior art view, known internet telephony systems required users to install internet telephony software before the users can indicate that a call is desired. This was problematic to GREENBERG, especially when a user is viewing a web page and wishes to contact an associated web merchant customer service representative. See GREENBERG paragraphs [0006-0007].

In GREENBERG paragraph [0011], there is disclosed a universal Internet based telephony system which is implemented as a process that is accessible via an Internet web page.

In claim 1, GREENBERG recites a method for establishing a phone call between an end user using a computer connected to a data packet network and a called party connected to a public switched telephone network.

The GREENBERG claim 1 method comprises downloading "a call web page" to the caller's computer, the call web page including an identifier of a called party and an address that may be used to obtain software required to complete a phone call to the called party. The obtained software controls exchanging

voice packets over the data packet network with a gateway connected through the public switched telephone network to the called party.

In paragraph [0011], there is further disclosed that GREENBERG "enables a phone call to be placed from a personal computer without the need for the computer to have been previously configured for Internet telephony. The customer may access the universal Internet based telephony system via any existing Internet browser software resident on the customer's multimedia terminal device, such as a personal computer, either as an adjunct process thereon, or as a dedicated Internet telephony process. This is accomplished by presenting the universal Internet based telephony system to the customer as an accessible service option on any Internet web page, typically in the form of an icon presented thereon. Alternatively, the multimedia customer terminal device can be equipped with an icon which presents the universal Internet based telephony system to the customer as an accessible service option."

About half-way through paragraph [0011] GREENBERG discloses (*emphasis added*) that "When a customer, who has accessed the Internet web page either via the multimedia customer terminal device based icon or Internet browser, clicks on the universal Internet based telephony system, icon a universal Internet based telephony system hyperlink script **causes a web server to download an applet to the customer's personal computer**

to run on the client machine without disturbing the customer's existing web page access. This is accomplished by opening up a separate window on the customer's terminal device for the Universal Internet based telephony system, to be seen and operated by the user. The universal Internet based telephony system web site then extends the Internet telephony communication connection from the customer's terminal device to an Internet telephony server/network, forwarding the customer provided data to enable the communication connection to be extended by the Internet telephony server/network to the designated destination." This has been characterized by the Official Action as GREENBERG teaching a script being downloaded from a server to a client, the script for rendering the user's computer as an Internet-based telephone device.

ADDING GREENBERG TO LANDSMAN

GREENBERG would add the teaching of providing a browser link to a telephony script for downloading from a server to the user's computer so that the user's computer can become active as an Internet-based telephone device to the web-page providing the telephony script.

LANDSMAN on the other hand, discloses advertisements downloaded from an advertising server to the user's computer to subsequently control advertisements being sent to the user's computer.

It would seem that GREENBERG would suggest to one of skill that in addition to downloading targeted advertisements to a user's computer, one could download a targeted telephony script to the user's computer, the targeted telephony script to enable an IP telephony connection between the user's computer and a desired telephone number, e.g., the web-page vendor's telephone number).

THE §103 REJECTION

The Official Action, (page 3 second full paragraph) concludes that "It would have been obvious to apply the teachings of Greenberg to the system of Landsman because [by] downloading the script, the client device could use it to establish communication with other devices without the intervention from the server as disclosed by Greenberg (paragraph 0011 page 1)."

Applicants understand that downloading the telephone script would establish a telephony connection between the user's computer and the telephone number associated with the downloaded script, but applicants do not understand the statement "without the intervention from the server as disclosed by Greenberg".

Paragraph [0011] of GREENBERG discloses intervention by a server, e.g., "The universal Internet based telephony system web site then extends the Internet telephony communication connection from the customer's terminal device **to an Internet telephony server/network**, forwarding the customer provided data to enable the communication connection to be extended **by the**

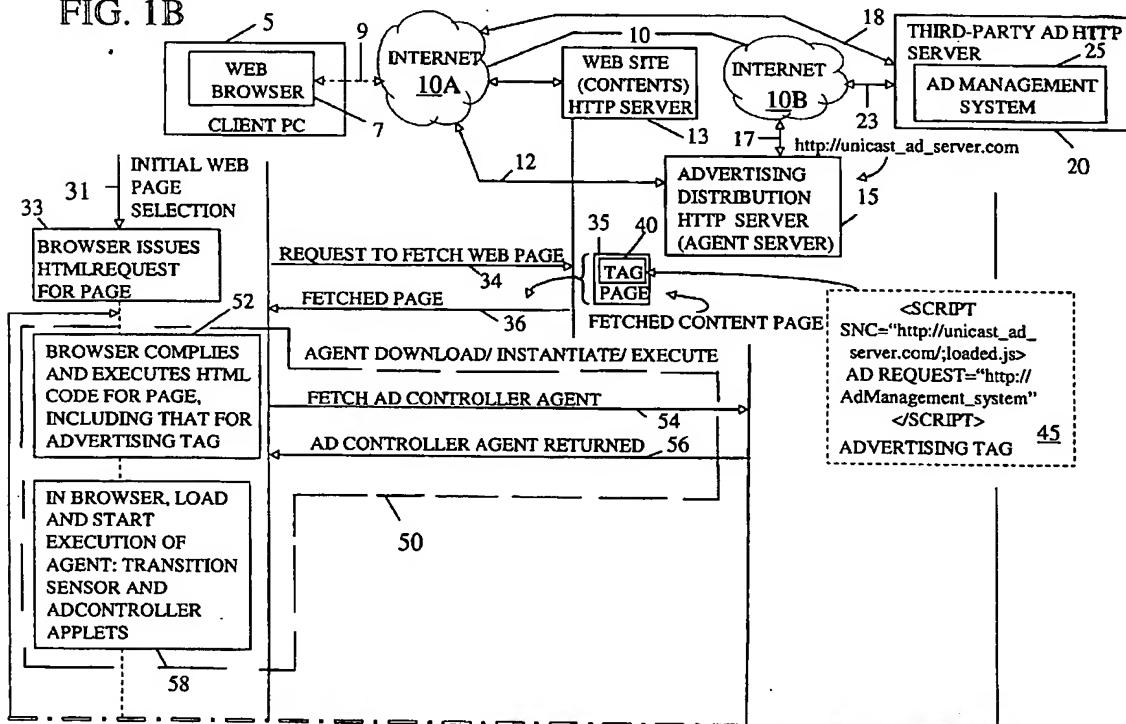
Internet telephony server/network to the designated destination.

In some embodiments, a customer is prompted for destination information (such as a telephone number if the call is directed toward a telephone receiver on the PSTN) and account information."

The Claims

The Official Action offer LANDSMAN's advertising distribution HTTP server 15, Figure 1B (reproduced below) as a recited network application server.

FIG. 1B



Advertising distribution server 15 may be an application server, but server 15 does not satisfy the recitation of a "network application server **storing an application execution**

script for a concentrated switched network, the application execution script allowing communication between terminal equipments through an exchange". There is no teaching of server 15 storing scripts for a concentrated switched network, such scripts allowing communication between terminal equipments through an exchange.

As to the server 15, LANDSMAN basically teaches that server 15 provides network-distributed advertising with advertisements downloaded from advertising server 15 to a user's computer in a manner transparent to the user. LANDSMAN teaches advertisements being displayed in response to a click-stream generated by the user to move from one web page to the next. As to the details of LANDSMAN, an HTML advertising tag is embedded into a referring web page, and that the tag causes a code (program) download, from a distribution web server, to the user's computer (client browser) and then the downloaded code persistently instantiates an installed agent at the client browser. This agent transparently downloads advertising files, originating from an ad management system residing on a third-party advertising web server and subsequently plays those files through the browser.

Even if the recitation of "network application server storing an application execution script for a concentrated switched network," were to be read on server 15, there is no disclosure of the recitation of "***storing an application execution***

script for a concentrated switched network, the application execution script allowing communication between terminal equipments through an exchange". LANDSMAN does not download a script that allows communication between terminal equipments through an exchange.

Applicants understand that GREENBERG is being offered for this feature (by downloading the telephony script). But GREENBERG does not teach *an application execution script for a concentrated switched network, the application execution script allowing communication between terminal equipments through an exchange.*

The claim 1 recitation of "two or more terminal equipments connected to said server and capable of downloading the application execution script from said server" is understood to be read onto the user's computer, having had the telephony script installed to render the user's computer as a telephone device. But see that the claim requires that there be **two** terminal equipments connected and downloading the application execution script from the server so that the two terminals equipments execute the script between themselves without intervention of any exchange.

Thus, the claim requires downloading a script for a concentrated switched network to allow communication between terminal equipments through an exchange, but executing the downloaded script between the two terminal equipments without

intervention of any exchange. There is no such teaching in either of LANDSMAN or GREENBERG.

Claim 1 has been amended to recite that the state variation detection section supervises a connection event designated by the application execution script and includes each of a connection of a call being completed, the connection of the call coming to an end, a call destination being busy during a call connection attempt, and a geographic position of a connected terminal equipment changing.

There is no teaching in GREENBERG that the telephony script could be downloaded to two users' computers so as to allow the two users' computers to both be used as telephone devices that talk to each other free of any exchange intervention with such a state variation detection section feature.

As acknowledged by the Official Action, LANDSMAN does not explicitly teach connection state variation detection and connection state control. This is clear since LANDSMAN makes no teachings as to using the user's computer as an IP telephony device. The Official Action points to the LANDSMAN disclosed Transition Sensor applet as having methods that respond to the events from the browser. Once detecting an event from the browser, the Transition Sensor applet would connect or disconnect the communication with the server. The Official Action feels that this meets the "connection state variation detection means" recitation.

Applicants respectfully disagree. The teaching of LANDSMAN (see e.g., claim 24) is to use the Transition Sensor applet to monitor a user click stream so as to detect the user-initiated event. There is no teaching as to connection state variation detection means.

See column 12, beginning at line 8, discussing the function of the Transition Sensor as to passing the URL of the ad management system, as specified in an advertising tag to an AdController applet to coordinate delivery of an advertisement.

It is not enough that the Transition Sensor could be broadly viewed as detecting connection state variations, since the particulars of the claim's recitation must be satisfied.

There is no teaching in GREENBERG that the telephony script could be downloaded to two users' computers so as to allow the two users' computers to both be used as telephone devices that talk to each other, as recited. Nor is there any indication that the LANDSMAN Transition Sensor would do anything more than assist in downloading the GREENBERG telephony script.

As discussed above, LANDSMAN and GREENBERG do not teach or suggest all the inventive features recited in claim 1. Accordingly, claim 1 is believed non-obvious.

Claim 2 further recites a database, and wherein said plug-in means, by executing the application execution script selected and downloaded from the network application server, records a telephone connection time between said first and second

terminal equipment into said database, the telephone connection time indicating a length of the time said first and second terminal equipment were in a connected state.

Column 16, line 59 of LANDSMAN is offered for this feature. There is disclosed by LANDSMAN a local hard disk cache, but no database that records telephone connection time. Nor does GREENBERG teach such a use. It is not sufficient that the prior art could be adapted for the recited structure. There must be a teaching to modify the prior art so as to realize the recited invention. Without such a teaching, the claim is non-obvious.

In this instance, claim 2 is believed non-obvious.

Claim 3 requires "the first application execution script downloaded from said network application server, being an application execution script for allowing communication between terminal equipments through an exchange in a concentrated switched network". Neither reference makes this teaching.

Claim 3 also requires at least two terminal equipments (a first terminal equipment and a second terminal equipment). See the claim requires that the network application server include "an application storage section (101) for storing application execution scripts for a concentrated switched network server, the stored application execution scripts available **for downloading to the first and second terminal equipment**".

There is no teaching in either applied reference of downloading a telephony script from a server to two terminal

equipments and then having those two terminal equipments communicate with each other. The Official Action must identify the second terminal equipment and how this recitation is satisfied in order to have the obviousness rejection be viable.

There is no disclosure in either reference of the network application server including a subscriber information storage section (102) for storing download information identifying which individual ones of the stored application execution scripts the terminal equipment have downloaded from the network application server.

The ad management system, lines 11-14 of column 21 relates to stored user preference information, but does not satisfy this recitation. Also not satisfied is the recitation concerning storing download information so that the first terminal equipment is identified as a subscriber having a first application execution script downloaded from the server, the script for establish bi-directional communications between the first and second terminal equipment. There is no indication of tracking what scripts have been downloaded by which subscribers.

Applicants do not see "a state variation detection section (114) for supervising an event designated by the first application execution script and issuing, if the event occurs, a notification of the occurrence of the event to said application control section *in order to establish the bi-directional*

communication between the first and second terminal equipment without intervention of any exchange,".

Even if the Transition Sensor is considered, there is no establishing of bi-directional communication between first and second terminal equipment in the manner recited. It is not enough that a script be used to establish bi-directional communication. For this recitation to be read on the prior art, the Official Action must indicate

I) what event is designated by the first application execution script, and

II) what "state variation detection section" 1) supervises the designated event and 2) issues, if the event occurs, a notification of the occurrence of the event to said application control section ***in order to establish the bi-directional communication between the first and second terminal equipment without intervention of any exchange.***

Applicants also do not see the recited "call state storage section (118) for storing a call state of said first terminal equipment and for storing a call state of the second terminal equipment when the first terminal equipment is engaging in establishing the bi-directional communication with the second terminal equipment,".

The Official Action has offered element 420 of Figure 4 for the call state storage section. Element 420 is the LANDSMAN disclosed AdController agent which is illustrated as including

three applets, but not a storage section storing call states of a calling terminal and called terminal equipment when the calling terminal is engaging in **establishing** bi-directional communication with the called terminal.

Web server 13 cannot be the called terminal (recited as the second terminal equipment). The web server 13 would not download the telephony script or establish bi-direction communication with the calling terminal (user's terminal) in the manner recited.

Further, claim 3 recites that these plural scripts are available for downloading to the first and second terminal equipment. LANDSMAN does not make this disclosure.

In view of these shortcomings of the proposed combination of LANDSMAN and GREENBERG, claim 3 is believed non-obvious.

As to claim 4, the Ad loader API 1310 of Figure 13 is not seen as being for a concentrated switched network.

Claim 5 now recites "wherein said application control section has, as a function of the application programming interface, a function of detecting an event concerning a change in a communication connection status of said second terminal equipment and issuing a notification of the occurrence of the event to the first application execution script." This feature is not found in LANDSMAN.

The Transition Sensor does not detect a change in a communication connection status of the second terminal.

Applicants do not see the features of the other claims depending, from claim 3 as being taught by the proposed combination of LANDSMAN and GREENBERG.

Claim 22 recites that the connection state variation detection means is for detecting a variation of a connection state of said terminal equipment with another terminal equipment. LANDSMAN, as modified by GREENBERG, is not seen to make this disclosure; in particular, the connection state control means is for controlling the connection state of said terminal equipment with the another terminal equipment.

Claim 22 has been amended to recite the decentralized execution of a busy/call-back operation (see application paragraph [0090]). In this embodiment, the connection state variation detection means detects a busy condition of the another terminal equipment while originating a telephone call to the another terminal equipment, and the connection state control means controls the connection state of the terminal equipment with the another terminal equipment by re-originating the telephone call automatically using a trigger that the busy condition of the another terminal equipment has come to an end.

These features are also believed non-obvious.

Thus, claim 22 is believed patentable.

Claims 23-63 are believed patentable based on the reasons outlined above.

Claims 64-65 are also believed patentable. The Official Action failed to consider the differences between these claims and claims 1-2. See Official Action page 11 indicating that claims 64-65 were system claims of claims 1-2. However, claims 1-2 are not co-extensive with claims 64-65.

The invention, as recited in claim 64, is a network application decentralized execution system, with application to telephone calling. The system comprises i) an application server located on a public network; ii) a first terminal equipment being a telephone call calling party and a second terminal equipment being the called party of the telephone call; and iii) network telephone applications hosted on the application server and available for download to the first and second terminal equipment.

Claim 64 recites a specific first of the telephone network applications being an automatic call back service application that, when downloaded from the application server and installed in the first terminal equipment, provides a service re-originating a telephone call from the calling party to the called party after an original telephone call to the called party results in receiving, at the calling party, a busy notification from the called party signifying the called party is involved in another telephone conversation. The automatic call back service

application is automatically started using a trigger activated in response to the calling party receiving, from the called party, an end-of-call notification that the another telephone conversion of the called party has ended.

The first terminal equipment, that implements this arrangement comprises:

i) a plug-in means for plugging in the automatic call back service application after selection and downloaded by the first terminal equipment from said application server,

ii) connection state variation detection means for detecting a variation of a connection state of the called party based on receipt of the end-of-call notification, and

iii) connection state control means for controlling the connection state of the calling party with the called party, the connection state control means being activated by the automatic call back service application responding to the trigger.

Claim 65 recites a network application decentralized execution system which allows application of a network application developed for a concentrated switched network to a decentralized switched network.

As to the applied art (individually and in combination), there is no indication that the "ad agent" or the "telephone script" downloaded into a user's PC web browser are a network application developed for a concentrated switched network being used in a decentralized switched network.

Claim 65 recites "a network application server hosting plural available telephone application execution scripts for downloading to terminal equipment"; LANDSMAN and GREENBERG do not teach plural telephone application execution scripts and further does not teach plural execution scripts being available for download. Rather, LANDSMAN and GREENBERG each teach only a single purpose script.

Neither reference teaches a first terminal equipment with an inputting apparatus (110) for user selection, for downloading (S6), a telephone application execution script from a list of the plural available telephone application scripts.

Neither reference teaches a terminal with a connection state variation detection means for detecting a variation of a telephone connection state of the second terminal equipment. Further, there is no disclosure of detection based on a response message sent from the second terminal equipment to the first terminal equipment, the response message being sent responsive to an initial message from the first terminal equipment to the second terminal equipment.

Neither reference teaches a connection state control means for controlling the connection state of said first terminal equipment with the second terminal equipment based on the response message sent from the second terminal equipment to the first terminal equipment.

Accordingly, claim 65 is believed non-obvious.

Reconsideration and allowance of all the pending claims are respectfully requested.

Applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Should an interview be helpful in order to place the case in condition for allowance, it is requested that the undersigned attorney be contacted so that such an interview can be conducted and the case proceed to allowance.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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